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8 Attorneys for Defendants
 9 WMC Mortgage, LLC and
 10 GE Consumer Finance, Inc.

11 UNITED STATES DISTRICT COURT
 12
 13 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

14 PATRICIA C. BARBERA,
 15
 16 Plaintiff

17 vs.

18 WMC MORTGAGE CORPORATION, a
 19 California corporation; aka WMC Direct, a
 20 California Business Entity; GE Consumer
 21 Finance, a unit of General Electric
 22 Company; Select Portfolio Servicing Corp,
 23 a Utah Corporation; Fairbanks Holding
 24 Corporation, a Delaware Corporation; and
 25 Land Title Company of Marin, a
 26 California Business Entity;
 27 Does 1 thru 100, inclusive.

28 Defendants.

Case No.: 3:08-cv-2677-PJH

**ADMINISTRATIVE MOTION OF
 DEFENDANTS WMC MORTGAGE,
 LLC, GE CONSUMER FINANCE,
 INC., AND CALIFORNIA LAND
 TITLE OF MARIN TO EXTEND
 TIME TO RESPOND TO
 PLAINTIFF'S COMPLAINT TO
 JUNE 19, 2008**

REED SMITH LLP
 A limited liability partnership formed in the State of Delaware

Pursuant to Civil Local Rule 6-3, Defendants WMC Mortgage, LLC (“WMC Mortgage”) (successor in interest to “WMC Mortgage Corporation”), GE Consumer Finance (“GECF”), and California Land Title of Marin (“California Land”) (erroneously sued as “Land Title Company of Marin”) (hereinafter, collectively referred to as “Defendants”), by and through their attorneys, submit this Administrative Motion to Extend Time to Respond to plaintiff Patricia C. Barbera’s (“Plaintiff”) Complaint to June 19, 2008.

This Administrative Motion is submitted on the grounds that good cause exists for this Court to extend Defendants’ time to respond to Plaintiff’s Complaint. Accordingly, Defendants respectfully request that this Court grant the instant Administrative motion. This Motion is based on the following Memorandum of Points and Authorities, the Declaration of Christopher O. Rivas, and the Proposed Order filed and lodged concurrently herewith.

INTRODUCTORY STATEMENT

Defendants sought to avoid the expense and time required to file this Administrative Motion by requesting that Plaintiff sign a stipulation extending Defendants’ time to respond to the Complaint from June 4, 2008, to June 19, 2008. [Declaration of Christopher O. Rivas (“Rivas Decl.”), ¶ 3, Ex. A.] On Friday, May 30, 2008, Plaintiff verbally informed Christopher O. Rivas, counsel for WMC Mortgage and GECF, that she would sign such a stipulation for the benefit of Defendants. [Rivas Decl. ¶ 4.] She subsequently demanded that WMC Mortgage sign a Notice of Acknowledgment of Receipt, for filing in the state action. [Rivas Decl. ¶ 5.] When counsel for WMC Mortgage refused to sign the Acknowledgment, on the basis that the state court no longer had jurisdiction over the case, Plaintiff threatened to withhold her signature from Defendants’ stipulation. [Rivas Decl. ¶ 6.]

On the basis of Plaintiff’s threat, counsel for WMC Mortgage signed the Acknowledgement, in exchange for Plaintiff’s promise to stipulate to extend Defendants’ time to respond to the Complaint. [Rivas Decl. ¶ 7, Ex. C.] On Monday,

1 June 2, 2008, Defendants provided Plaintiff with a draft stipulation for her signature.
 2 [Rivas Decl. ¶ 8, Ex. D.] However, on Tuesday June 3, 2008, Plaintiff informed
 3 counsel for WMC Mortgage and GECF, via email and telephone, that she would not
 4 sign the stipulation, and instead vaguely threatened counsel for the Defendants and
 5 accused counsel of acting fraudulently in removing the case to federal court. [Rivas
 6 Decl. ¶ 9, Ex. E.]

7 8 MEMORANDUM OF POINTS AND AUTHORITIES

9 **A. Procedural and Factual Background**

10 As described more fully in defendants WMC Mortgage and GECF's
 11 Administrative Motion to Consider Whether Cases Should Be Related, filed in this
 12 Court on June 2, 2008, Plaintiff's Complaint mirrors a Complaint she previously filed
 13 against the same defendants, which has since been dismissed with prejudice.
 14 Notwithstanding this Court's prior dismissal with prejudice of Plaintiff's federal
 15 causes of action, and the subsequent state court's dismissal of Plaintiff's remaining
 16 causes of action, with prejudice, Plaintiff filed this Complaint alleging nearly identical
 17 causes of action against the same parties.

18 On May 28, 2008, defendants WMC Mortgage and GECF caused this case to be
 19 removed to this Court from the Marin County Superior Court. Accordingly,
 20 Defendants have until June 4, 2008, to file a response to Plaintiff's complaint. As
 21 described in the Introductory Statement, Defendants sought to have Plaintiff stipulate
 22 to extend Defendants response date in order to grant them additional time to examine
 23 the voluminous filings in the prior related actions. [Rivas, Decl. ¶ 2.] Although
 24 Plaintiff initially agreed to sign such a stipulation, she changed her mind this morning,
 25 June 3, 2008, knowing full well that Defendants had relied on her initial agreement,
 26 on Friday, May 30, 2008, to extend their response dates. [Rivas, Decl. ¶ 9.]

27 As a result, Defendants have no choice but to file this Administrative Motion to
 28 Extend Defendants' Time to Respond to Plaintiff's Complaint.

B. LEGAL ANALYSIS

Civil Local Rule 6-3 authorizes this Court to enlarge or shorten time upon the noticed motion of any of the parties, so long as the Motion:

“(1) Sets forth with particularity, the reasons for the requested enlargement or shortening of time;

(2) Describes the efforts the party has made to obtain a stipulation to the time change;

(3) Identifies the substantial harm or prejudice that would occur if the Court did not change the time; and

* * *

(5) Discloses all previous time modifications in the case, whether by stipulation or Court order;

(6) Describes the effect the requested time modification would have on the schedule for the case.”

See Civ. L.R. 6-3.

Pursuant to the above-referenced requirements in Civil Local Rule 6-3, Defendants state that: (1) they require additional time to gather and analyze voluminous pleadings and filings in the prior-filed state and federal actions before preparing their Motions to Dismiss; (2) they contacted Plaintiff in an effort to obtain a stipulation for the time extension, and obtained her verbal consent to such extension only to later have Plaintiff revoke her consent; and (3) without such extension, Defendants suffer substantial harm and prejudice, on the basis that they, (i) have already relied on Plaintiff’s verbal consent to extend their time to respond, and (ii) will be unable to acquire and analyze all of the voluminous pleadings and filings in the prior actions with sufficient time to draft Motions to Dismiss. Defendants also note that the extension will give the Court additional time before the parties file any Motions to Dismiss to analyze whether this matter is related to the prior-filed federal action and, accordingly, whether the case will be re-assigned to the Honorable Judge

1 Sandra Brown Armstrong.

2 Further, under Civil Local Rule 6-3, Defendants state that: (5) no previous time
3 modifications have been granted or requested in this case, whether by stipulation or
4 Court order; and (6) the requested fifteen day extension of time, to June 19, 2008, will
5 not affect any scheduled hearings, motions or deadlines in this case.

6 **C. CONCLUSION**

7 For the reasons stated above, Defendants respectfully request that the Court
8 grant Defendants an additional fifteen (15) days to respond to Plaintiff's Complaint,
9 extending such time from June 4, 2008, to June 19, 2008.

10
11
12
13 DATED: June 3, 2008

REED SMITH LLP

14
15 By /s/ Christopher O. Rivas

16 Scott H. Jacobs
17 Christopher O. Rivas
18 Attorneys for Defendants
19 WMC Mortgage, LLC and
20 GE Consumer Finance, Inc.

21
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24
25
26 DATED: June 3, 2008.

LAW OFFICES OF DANIEL A. GAMER

27
28 By 

Glenn D. Kabanuck
Attorneys for Defendant
California Land Title of Marin, erroneously
sued as Land Title Company of Marin

DOCSLA-15642022.1

CERTIFICATE OF SERVICE

I, Arthur Escalante, hereby certify that on this 3rd day of June 2008, a true and correct copy of the foregoing *Administrative Motion of Defendants WMC Mortgage, LLC, GE Consumer Finance, Inc., and California Land Title of Marin to Extend Time to Respond to Plaintiff's Complaint to June 19, 2008* was served upon all counsel of record by UPS Overnight Mail, postage prepaid at the following addresses:

Patricia C. Barbera
24 Caribe Isle
Novato, CA 94949

Glenn D. Kabanuck, Esq.
Law Office of Daniel A. Gamer
55 Professional Center Parkway
Suite H
San Rafael, CA 94903

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By: 
Arthur Escalante

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11 UNITED STATES DISTRICT COURT

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21 Servicing Corp, a Utah Corporation;
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26 Does 1 thru 100, inclusive.

27 Defendants.
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Case No. 3:08-cv-2677-PJH

**[PROPOSED] ORDER ON
ADMINISTRATIVE MOTION OF
DEFENDANTS WMC MORTGAGE,
LLC, GE CONSUMER FINANCE,
INC., AND CALIFORNIA LAND
TITLE OF MARIN TO EXTEND
TIME TO RESPOND TO
PLAINTIFF'S COMPLAINT TO
JUNE 19, 2008**

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1 The Administrative Motion Of Defendants WMC Mortgage, LLC, GE
2 Consumer Finance, Inc., And California Land Title Of Marin To Extend Time To
3 Respond To Plaintiff's Complaint To June 19, 2008, and its supporting documents,
4 including the Declaration of Christopher O. Rivas, have been duly considered by the
5 Court and good cause appearing therefore,
6
7

8 **IT IS HEREBY ORDERED** that the Defendants WMC Mortgage, LLC, GE
9 Consumer Finance, Inc., And California Land Title Of Marin's time to respond to
10 Plaintiff's Complaint be extended from June 4, 2008, to June 19, 2008.
11

12 Dated: _____
13

14 The Honorable Phyllis J. Hamilton
United States District Judge

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